REMARKS

Claims 1 – 25 remain in this Application, and Claims 1, 8, 16, 19, and 22 are amended. No new matter has been added. As explained in more detail below, the Applicant respectfully submits that all claims are in condition for allowance and respectfully requests such action.

Rejection of Claims 1-25 under 35 U.S.C. §103(a)

Claims 1-9 and 11-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Spielman (US Patent No. 6,560,318) and further in view of Jones (US Patent No. 5,193,110). Applicant respectfully traverses this rejection.

The present invention is directed to a system where a subscriber being called has a preferred voice mail technology platform associated with his subscriber account. Thus, when an incoming call is made to the subscriber's device and upon a triggering event which indicates that the caller should be connected to voice mail, the system figures out which voice mail technology platform is associated with the device and selects that particular voice mail platform such that a voice mail message can be stored on that particular platform. For example, if an MMS-based voice mail system platform is selected, the message can be delivered and stored on the subscriber's terminal (e.g., a cell phone). However, if an NVMS platform is selected, then the message can be delivered to and stored on a network-based storage device. Hence, the system of the present invention selects a technology platform that is either local to the device or that is a centralized storage device. Additionally, it is possible that there are multiple voice mail technology platforms (such as different software or technologies) that system selects from within the network and/or the user device.

The combination of Spielman and Jones does not teach the claimed invention. Simply stated, Spielman does not teach a system for providing voice mail services in an environment having multiple voice mail technology platforms. Rather, the passages in Spielman relied on by the Examiner (namely, Fig. 1, items 14a to 14f) simply state that a notification of a voicemail message can be sent to various devices, such as to email, cell phone, fax machine, etc., according to the device's protocol. However, nothing in the

passages cited by the Examiner shows that Spielman is concerned with selecting an appropriate voice mail platform from among multiple voice mail technologies, such as NVMS or MMS.

As Applicant explained in its previous Response, Spielman discloses a message notification process used after a message is stored in a message store or external source. The Spielman system delivers a notification delivery message to a secondary mailbox associated with the subscriber's preferred notification device (e.g., cell phone, facsimile, pager, etc.). Clearly, the platform selector element of the present invention is not the same as the notification process of Spielman. Spielman simply does not select a voice mail technology platform from one of said multiple voice mail technology platforms for receiving said call. Rather, after the message is received, the Spielman system then uses a secondary mailbox. Spielman does not disclose an element that selects an appropriate voice mail technology platform for receiving a call. Simply put, the Spielman system receives the message on a single platform and then forwards a notification to a preferred notification device that the message is available.

Jones fails to cure the deficiencies of Spielman. In Jones, a PBX-type system is disclosed in which the system routes voice mail to a default ("home") voice mail processing unit (VPU) and rolls the voice mail to the next available VPU if the first one is unavailable at the moment. There is no mention of using different voice mail technology platforms – instead, it appears that the VPU's are all the same. Moreover, the Jones system does not determine what voice mail technology platform (or even which VPU) is indicated for the particular number being called. Instead, Jones appears to disclose a one-size-fits-all approach. This is not surprising since Jones appears directed to an enterprise-level system, like a PBX, in which the end users' phones (which here in Jones are land-line phones) are all the same. There are no subscribers in Jones and Jones does not describe that different subscribers would employ different voice mail technology platforms. It is little wonder then that Jones does not describe selecting the correct voice mail technology platform for the particular subscriber being called as none of this environment, problem or solution is anywhere mentioned in Jones.

If the present invention were *somehow* described in Jones, then the VPUs (voice processing units) of Jones would each be different and not the same. Moreover, some of

the VPUs would be located locally on the phone and some of the VPUs would be in a centralized location on the network. The Jones system would then select the appropriate voice mail technology platform that is associated with the particular subscriber's account. Clearly, this is not what Jones describes. Instead, all of the VPUs in Jones are the same. Jones describes that an incoming call is routed to a default or "home" VPU and if the default VPU is not available (such as when it is at capacity), the system routes the call to the next available VPU. This is not what is being claimed and Jones, alone or in combination with Spielman, does not meet the claimed invention.

The independent claims 1, 8, 16, and 19, all recite that platform selector element is operative to "select one of said multiple voice mail technology platforms for receiving said call, recording a message from said caller to said subscriber, and storing said message on said selected voice mail technology platform for later retrieval," which is not disclosed, taught, or suggested by Spielman or Jones, either individually or in combination. Moreover claim 22 recites a platform selector element operative to "select a voice mail technology platform by using said voice mail technology platform indicator information; and ... record a voice mail message on said selected voice mail technology platform from said caller to said subscriber," which is not disclosed, taught, or suggested by Spielman or Jones, either individually or in combination. Accordingly, Applicant respectfully requests that the rejections of claims 1, 8, 16, 19, and 22 be withdrawn.

For at least the reason that claims 2-7, 9-15, 17-18, 20-21, and 23-25 depend from claims 1, 8, 16, 19, and 22, and therefore incorporate the limitations of claims 1, 8, 16, 19, and 22, these dependent claims are patentable over the art of record for at least the reasons set forth above with respect to independent claims 1, 8, 16, 19, and 22. Accordingly, Applicant respectfully requests that the rejection of claims 2-7, 9-15, 17-18, 20-21, and 23-25 also be withdrawn.

Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Spielman (US Patent No. 6,560,318) in view of Jones (US Patent No. 5,193,110) and further in view of Wheeler (US Patent No. 5,572,583).

For at least the reason that claim 10 depends from claim 8, and therefore incorporates the limitations of claim 8, this dependent claim is patentable over the art of

record for at least the reasons set forth above with respect to independent claim 8. Accordingly, Applicant respectfully requests that the rejection of claim 10 also be withdrawn.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all grounds of rejection have been overcome. Applicant therefore respectfully solicits allowance of the application. Should there be any further questions or concerns, the Examiner is urged to telephone the undersigned.

Respectfully submitted,

GARDNER GROFF SANTOS & GREENWALD, P.C.

/mek/
Michelle E. Kandcer
Reg. No. 54,207

Customer Number: 39513
GARDNER GROFF SANTOS & GREENWALD, P.C.
Tel: 770/984-2300
Fax: 770/984-0098